

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
(617) 748-9057

**DOCKETING STATEMENT**

**INSTRUCTIONS**

1. Counsel for an appellant must file the docketing statement with all attachments for every case appealed or cross appealed to the Court of Appeals. The docketing statement must be received by the Court of Appeals clerk's office within the fourteen days allowed to be deemed timely filed. Copies must be served on all parties to the action below and, in civil cases, on First Circuit Settlement Counsel.
2. The attorney filing the notice of appeal is responsible for filing the docketing statement, even if different counsel will handle the appeal. In the case of multiple appellants represented by separate counsel, the parties must confer and decide who will file the docketing statement. Appellants proceeding pro se may file a docketing statement, but are not required to do so.
3. The docketing statement is also used by First Circuit Settlement Counsel to facilitate pre-briefing review of civil cases in which all parties are represented by counsel, and in mediation conducted in such cases under First Circuit Local Rule 33. If counsel in a civil case believes a mediation conference would be beneficial, counsel may make a confidential request for mediation by contacting the Office of the Settlement Counsel directly at (617) 748-9624.
4. Counsel's failure to file the docketing statement within the time set forth will cause the Court to initiate the process for dismissal of the appeal under Local Rule 3.
5. **IF AN OPPOSING PARTY CONCLUDES THAT THE DOCKETING STATEMENT IS IN ANY WAY INACCURATE, INCOMPLETE, OR MISLEADING, THE CLERK'S OFFICE MUST BE INFORMED IN WRITING OF ANY ERRORS AND ANY PROPOSED ADDITIONS OR CORRECTIONS WITHIN SEVEN DAYS OF SERVICE OF THE DOCKETING STATEMENT, WITH COPIES TO ALL OTHER PARTIES.**
6. **You must attach to this docketing statement:**
  - ADDITIONAL PAGES CONTAINING EXTENDED ANSWERS TO QUESTIONS ON THIS FORM.
  - APPEARANCE FORMS FOR COUNSEL FOR EACH APPELLANT.
  - A COPY OF THE TRANSCRIPT ORDER (see Docketing Statement, Question E).
  - A CERTIFICATE OF SERVICE OF THIS DOCKETING STATEMENT ON ALL PARTIES TO THE ACTION BELOW AND, IN COUNSELED CIVIL CASES, ON FIRST CIRCUIT SETTLEMENT COUNSEL.

UNITED STATES COURT OF APPEALS  
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DOCKETING STATEMENT

**Proposed Caption of Case:**

No.

Plaintiff - Appellant

v.

Defendant - Appellee

**Type of Action**

\_\_\_\_\_ Civil

\_\_\_\_\_ Criminal/Prisoner

\_\_\_\_\_ Cross Appeal

**A. Timeliness of Appeal**

1. Date of entry of judgment or order appealed from \_\_\_\_\_

2. Date this notice of appeal filed \_\_\_\_\_

If cross appeal, date first notice of appeal filed

\_\_\_\_\_

3. Filing date of any post-judgment motion filed by any  
party which tolls time under Fed.R.App.P. 4(a)(4) and  
4(b) \_\_\_\_\_

4. Date of entry of order deciding above post-judgment  
motion \_\_\_\_\_

5. Filing date of any motion to extend time under  
Fed.R.App.P. 4(a)(5), 4(a)(6) or 4(b) \_\_\_\_\_

Time extended to \_\_\_\_\_

B. Finality of Order of Judgment

1. Is the order or judgment appealed from a final decision  
on the merits? Yes No

2. If no, is the order appealed from a collateral or  
interlocutory order reviewable under any exception to  
the finality rule? Yes No

If yes, explain

\_\_\_\_\_

3. Did the district court order entry of judgment as to  
fewer than all claims or all parties pursuant to  
Fed.R.C.P. 54(b)? Yes No

If yes, explain

\_\_\_\_\_

C. Has this case previously been appealed? Yes No

If yes, give the case name, docket number and disposition of  
each prior appeal.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. Are any related cases or cases raising related issues  
pending in this Court, any district court of this circuit,  
or the Supreme Court? Yes No

If yes, cite the case and the manner in which it is related  
on a separate page. If abeyance or consolidation is

warranted, counsel must file a separate motion seeking such relief.

E. Were there any in-court proceedings below? Yes No

Is a transcript necessary for this appeal?      Yes              No

If yes, is transcript already on file with district court?

Yes                      No

If transcript is not already on file, attach copy of transcript order.

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party\_\_\_\_\_

Attorney

Address \_\_\_\_\_

Telephone \_\_\_\_\_

2. Adverse party\_\_\_\_\_

Attorney \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

3. Adverse party

Attorney

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant(s) name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

Attorney's name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

2. Appellant(s) name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

Attorney's name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.)

Yes

No

Fed.R.App.P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the Court of Appeals a statement naming each party represented on appeal by that attorney. Local Rule 12 requires that statement in the form of an appearance. Any counsel who filed a notice of appeal must provide the requisite appearance to be attached to this form.

Attorneys who are associated with the case, but not actively representing a party on appeal, should NOT file an appearance form.

A copy of this Docketing Statement must be served on all other parties to the appeal, and in civil cases, Settlement Counsel, Civil Appeals Management Program, 1 Courthouse Way, Suite 3440, Boston, MA 02210, must be served as well.

United States Court of Appeals  
for the First Circuit  
Clerk's Office  
1 Courthouse Way, Suite 2500  
Boston, Massachusetts 02210  
(617) 748-9057

Signature \_\_\_\_\_

Date \_\_\_\_\_